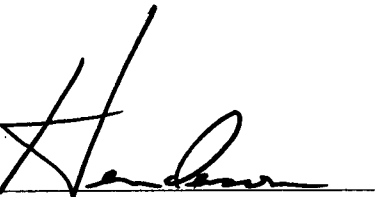


By



S.B. No. 588

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of air conditioning contractors and the penalty for practicing air conditioning contracting without a license.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The Air Conditioning Contractor License Law (Article 8861, Vernon's Texas Civil Statutes) is amended by adding Section 1A to read as follows:

Sec. 1A. PURPOSE. The purpose of this Act is to provide minimum standards to safeguard health, property, and the public welfare by regulating air conditioning contractors through uniform examination and licensing and to enable an air conditioning contractor to practice air conditioning contracting throughout the state.

SECTION 2. Section 4(a), Air Conditioning Contractor License Law (Article 8861, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) Air conditioning contractor licenses are of two classes. A Class A license entitles the licensee to design, install, construct, maintain, service, repair, [or] alter, or modify [summer or--winter] environmental air conditioning products, systems, or equipment of any size or capacity. A Class B license entitles the licensee to design, install, construct, maintain, service, repair, [or] alter, or modify [an] environmental air conditioning products,

1 systems, or equipment capable of developing [~~system-that--develops~~]  
2 a total of not more than 25 tons cooling capacity or [~~and~~] not more  
3 than 1,500,000 British thermal units per hour output heating  
4 capacity. The commissioner shall prescribe an appropriate  
5 examination for each class of license.

6 SECTION 3. Section 6, Air Conditioning Contractor License  
7 Law (Article 8861, Vernon's Texas Civil Statutes), is amended to  
8 read as follows:

9 Sec. 6. EXEMPTIONS. (a) This Act does not apply to a  
10 person who:

11 (1) performs air conditioning work in a building owned  
12 solely by him as his home;

13 (2) performs air conditioning maintenance work if the person  
14 is regularly employed as a maintenance man or maintenance engineer  
15 [~~or--is--licensed--as--a--professional--engineer--under--The--Texas~~  
16 ~~Engineering-Practice-Act,--as-amended-(Article-3271a,--Vernon's-Texas~~  
17 ~~Civil--Statutes)~~], the work is performed in connection with the  
18 business in which the person is employed, and the person does not  
19 engage in the occupation of air conditioning contracting for the  
20 general public;

21 (3) performs air conditioning contracting and is regularly  
22 employed by a regulated electric or gas utility; or

23 (4) is licensed as a professional engineer under The Texas  
24 Engineering Practice Act, as amended (Article 3271a, Vernon's Texas  
25 Civil Statutes), performs work in connection with the business in  
26 which the person is employed, and does not engage in the practice  
27 of air conditioning contracting for the general public [~~performs~~

1 plumbing--work--and--is--licensed--under--The--Plumbing-License-Law  
2 {Article-6243-101,-Vernon's-Texas-Civil-Statutes},-or

3 [~~5~~]-assists-in-the-performance--of--air--conditioning--work  
4 under-the-direct-personal-supervision-of-a-licensee].

5 (b) A person licensed under this Act may not perform or  
6 offer or attempt to perform, any act, service, or function that is  
7 defined as plumbing work under The Plumbing License Law, as amended  
8 (Article 6243-101, Vernon's Texas Civil Statutes), unless licensed  
9 under that law. A person who is licensed in this state as a  
10 plumber and engaged in business as a plumber may not perform, or  
11 offer or attempt to perform, air conditioning contracting unless  
12 licensed under this Act. [The-work-described-by-Subsection-(a)-of  
13 this-section-remains-subject-to-any-permit,-inspection,-or-approval  
14 requirements-prescribed-by-a-municipal-ordinance.]

15 (c) A person licensed under this Act may not perform or  
16 offer or attempt to perform any act, service, or function that is  
17 defined as the practice of engineering by The Texas Engineering  
18 Practice Act, as amended (Article 3271a, Vernon's Texas Civil  
19 Statutes), unless licensed under that Act. A [This--Act--does--not  
20 apply--to--a] person licensed in this state as a professional  
21 engineer and engaged in business as a professional engineer may not  
22 perform, or offer or attempt to perform, air conditioning  
23 contracting unless licensed under this Act.

24 (d) A person licensed under this Act may not perform, or  
25 offer or attempt to perform, any act, service, or function  
26 regulated under Chapter 113, Natural Resources Code, unless  
27 licensed under that law. A person regulated under Chapter 113,

1 Natural Resources Code, may not perform, or offer or attempt to  
2 perform, air conditioning contracting unless licensed under this  
3 Act.

4 (e) A person who assists in the performance of air  
5 conditioning work under the supervision of a licensee is not  
6 required to be licensed by a municipality. [This-Act-does-not  
7 apply-to-a-person-who--is--regulated--under--Chapter--113,--Natural  
8 Resources-Code.]

9 SECTION 4. Section 8, Air Conditioning Contractors License  
10 Law (Article 8861, Vernon's Texas Civil Statutes), is amended to  
11 read as follows:

12 Sec. 8. PENALTY. Except as provided in Section 9, a person  
13 commits an offense if the person knowingly or intentionally engages  
14 in air conditioning contracting without a license issued under this  
15 Act. An offense under this section is a Class B [E] misdemeanor.

16 SECTION 5. Section 9, Air Conditioning Contractors License  
17 Law (Article 8861, Vernon's Texas Civil Statutes), is amended to  
18 read as follows:

19 Sec. 9. MUNICIPAL REGULATION. A license issued by a  
20 municipality of this state is valid under the terms of the license  
21 within that municipality. However, a [A] license issued under this  
22 Act is valid throughout the state, and the holder is not required  
23 to hold a municipal license to practice air conditioning  
24 contracting in any [a] municipality within this state. [A-license  
25 issued-by-a-municipality-of-this-state-is-valid-under-the-terms--of  
26 the-license-within-that-municipality.]

27 SECTION 6. This Act takes effect September 1, 1985.

1           SECTION 7.   The importance of this legislation and the  
2 crowded condition of the calendars in both houses create an  
3 emergency and an imperative public necessity that the  
4 constitutional rule requiring bills to be read on three several  
5 days in each house be suspended, and this rule is hereby suspended.

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

March 26, 1985

Honorable O. H. "Ike" Harris, Chairman  
Committee on Economic Development  
Senate Chamber  
Austin, Texas

In Re: Senate Bill No. 588  
By: Henderson

Sir:

In response to your request for a Fiscal Note on Senate Bill No. 588 (relating to the regulation of air conditioning contractors and the penalty for practicing air conditioning contracting without a license) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

  
Jim Oliver  
Director

Source: Department of Labor and Standards; LBB Staff: JO, JH, JG, LV

AN ACT relating to the regulation of air conditioning  
contractors and the penalty for practicing air conditioning  
contracting without a license.

2-22-85 Filed with the Secretary of the Senate  
FFD 25 1985 Read, referred to Committee on ECONOMIC DEVELOPMENT

Reported favorably.

Reported adversely, with favorable Committee Substitute; Committee Substitute  
read first time.

Ordered not printed.

Senate and Constitutional Rules to permit consideration suspended by  
    { unanimous consent.  
    { \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

Read second time and { ordered engrossed.  
                                  passed to third reading.

Caption ordered amended to conform to body of bill.

Senate and Constitutional 3-Day Rules suspended by vote of  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays to place bill on third reading and final passage.

Read third time and passed by { a viva-voce vote.  
                                  \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

Engrossed

Sent to House

\_\_\_\_\_  
ENGROSSING CLERK

\_\_\_\_\_  
Received from the Senate

\_\_\_\_\_  
Read first time and referred to Committee on \_\_\_\_\_

\_\_\_\_\_  
Reported favorably amended, sent to Printer at \_\_\_\_\_

\_\_\_\_\_  
Printed and Distributed \_\_\_\_\_

\_\_\_\_\_  
Sent to Committee on Calendars \_\_\_\_\_

\_\_\_\_\_  
Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_  
Present, not voting.

\_\_\_\_\_  
Constitutional Rule requiring bills to be read on three several  
days suspended (failed to suspend) by a four-fifths vote of  
\_\_\_\_\_ yeas \_\_\_\_\_ nays \_\_\_\_\_ present not voting.

\_\_\_\_\_  
Read third time (amended); finally passed (failed) by a  
(Non-Record Vote) Record Vote of \_\_\_\_\_ yeas \_\_\_\_\_ nays  
\_\_\_\_\_ present not voting.

\_\_\_\_\_  
Caption ordered amended to conform to body of bill.

\_\_\_\_\_  
Returned to Senate.

\_\_\_\_\_  
Chief Clerk of the House